

## **FISCAL NOTE**

### **HB 2765 - SB 2747**

March 12, 2006

**SUMMARY OF BILL:** Makes offender who commits the Class B felony of manufacturing methamphetamine ineligible for parole if the offense is committed in the presence of a person less than 18 years of age. Makes offender who commits the Class C felony of possession or sale of less than 0.5 grams of any Schedule II controlled substance, including methamphetamine, ineligible for parole if the offense is committed in the presence of a person less than 18 years of age.

#### **ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$24,925,500 / Incarceration\***

##### Assumptions:

- According to the Department of Correction (DOC), during FY04-05, there were 1,178 persons admitted for Schedule II drug offenses involving the sale or possession of less than 0.5 grams.
- According to the Department of Children's Services, during 2004, there were approximately 200 cases involving the manufacture of methamphetamine where children were present, a Class B felony offense. Of the remaining 978 Class C offenses, five percent (49) would involve a child being present.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years, yielding a projected compound population growth of 13.6% over the next ten years.
- 200 persons will be convicted of the Class B felony offense involving the manufacture of methamphetamine where children were present in the first year. Population growth of 1.09 percent per year will result in 23 additional offenders being charged with this Class B felony offense in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based upon 223 offenders serving additional time on their sentences.
- 223 offenders will serve an additional 5.6 years (an increase from 2.4 years to 8.0 years). According to DOC, the average operating cost per inmate per day for calendar year 2006 is \$50.02. The cost per inmate at 2.4 years is \$43,847.53 (\$50.02 x 876.6 days). The cost per inmate at 8.0 years is \$146,158.44 (\$50.02 x 2,922 days). The additional cost

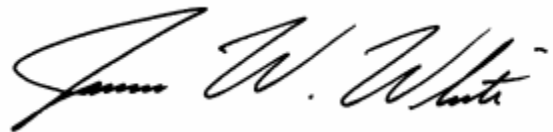
from increasing the average sentence length from 2.4 years to 8.0 years is \$102,310.91 (\$146,158.44 - \$43,847.53). The total additional operating cost for 223 offenders per year is \$22,815,332.93 (\$102,310.91 x 223).

- 49 persons will be convicted of the Class C felony offense of possession or sale of less than 0.5 grams of a Schedule II controlled substance in the first year. Population growth of 1.09 percent per year will result in six additional offenders being charged with this Class C felony offense in the tenth year as a result of this bill. The maximum cost in the tenth year is based upon 55 offenders serving additional time on their sentence.
- 55 offenders will serve an additional 2.1 years (an increase from 0.9 years to 3.0 years). The cost per inmate at 0.9 years is \$16,443.07 (\$50.02 x 328.73 days). The cost per inmate at 3.0 years is \$54,809.42 (\$50.02 x 1095.75 days). The additional cost from increasing the average sentence length from 0.9 years to 3.0 years is \$38,366.35 (\$54,809.42 - \$16,443.07). The total additional operating cost for 55 offenders per year is \$2,110,149.25 (\$38,366.35 x 55).

*\*Tennessee Code Annotated, Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly distinguishable.

James W. White, Executive Director